THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 18194 of 2007

DATE: 28-08-2007

Between :

Southern Power Distribution company of
A.P.Limited, rep., by its General Manager,
Tirupati,
Chittoor District and another.

... Petitioners

And

Employees' Provident Fund Organisation,
Sub Regional Office,
Yermukhapalli,
Kadapa and another.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 18194 of 2007

ORDER:

This writ petition is filed by the Andhra Pradesh Southern Power Distribution Company Limited seeking a declaration that the order passed by the second respondent–Provident Fund Commissioner, dated 09-04-2007, levying simple interest under Section 7Q of Employees Provident Fund and Miscellaneous Provision Act, 1952 (for short 'the Act') as well as the damages under Section 14-B of the Act, for belated payments of Provident Fund dues and that the certificate issued under Section 8-B of the Act, dated 13-4-2007, is arbitrary and illegal.

It is to be noted that against the impugned order, an alternative remedy of appeal is available under Section 7-I of the Act. Without exhausting such alternative remedy available under the statute, the petitioner cannot maintain this writ petition.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal under Section 7-I of the Act within a period of six weeks from the date of receipt of a copy of this order. If any such appeal is preferred within the time fixed above, the same shall be entertained and decided following due process of law. Till the appeal is disposed of, the impugned order dated 09-04-2007 shall remain suspended provided the petitioner deposits half of the amount under the impugned proceeding within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Date:28-08-2007

KLP